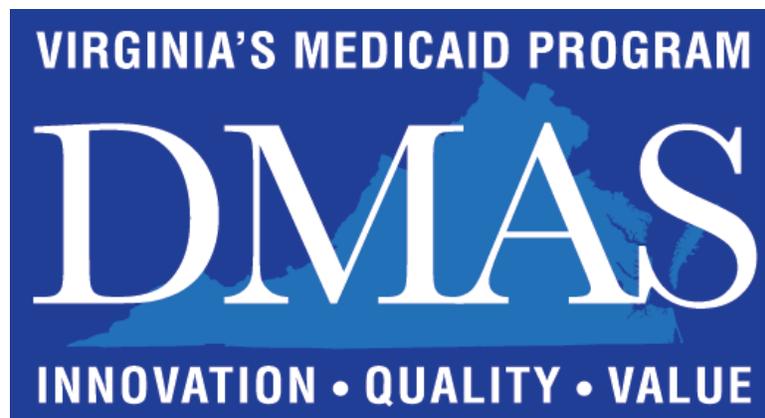


Monthly MCO Compliance Report

Medallion 4.0 June 2020 Deliverables



Health Care Services Division

August 28, 2020

Monthly MCO Compliance Report

Medallion 4.0 June 2020 Deliverables

Contents

Compliance Points Overview.....	2
Summary.....	3
Aetna Better Health of Virginia.....	5
Anthem Healthkeepers Plus.....	7
Magellan Complete Care.....	10
Optima Health.....	133
UnitedHealthcare.....	177
Virginia Premier.....	21
Next Steps.....	26

Compliance Points Overview

MCO	Prior Month Point Balance	Point(s) Incurred for Current Month*	Point(s) Expiring from June 2020	Final Point Balance*	Area of Violation: Finding or Concern
<u>Aetna</u>	5.0	0	0	5.0	CONCERNS EI Claims Issue
<u>Anthem</u>	9.0	0	1	8.0	CONCERNS Contract Adherence
<u>Magellan</u>	9.0	0	1	8.0	CONCERNS Contract Adherence
<u>Optima Health</u>	4.0	0	2	2.0	CONCERNS EI Claims Issue Contract Adherence
<u>United</u>	3.0	0	0	3.0	CONCERNS Contract Adherence Data Submission Errors
<u>VA Premier</u>	19.0	0	0	19.0	CONCERNS EI Claims Issue Contract Adherence Late/Missing Submission Untimely Internal Appeals

**All listed point infractions are pending until the expiration of the 15-day comment period.*

Notes:

-**Findings**- Area(s) of violation; point(s) issued.

-**Concerns**- Area(s) of concern that could lead to potential findings; **no** points issued.

-**Expired Points**- Compliance points expire 365 days after issuance. Thus, all points issued in June 2019 (Issue date: 7/15/2019) expire on 7/15/2020 and are subtracted from the final point balance.

Summary

The **Compliance Review Committee (CRC)** met on August 6, 2020 to review deliverables measuring performance for June 2020 as well as other reported program issues. The CRC consists of five managers and supervisors from the Health Care Services division who vote on what, if any, compliance enforcement actions to take in response to identified issues of potential non-compliance.

Due to the current emergency crisis during COVID-19, Health Care Services (HCS) Compliance Unit will exercise its enforcement discretion and may not issue points and/or financial penalties on identified issues of non-compliance during this period, unless the identified areas of non-compliance are egregious violations. HCS Compliance Unit will continue to monitor and document areas of noncompliance through issuance of Notices of Non-Compliance. The Department will expect health plans to come into compliance with all aspects of the Medallion 4.0 contract prior to the end of the emergency period.

The CRC voted to issue no compliance points to managed care organizations (MCOs) for failure to meet contractual requirements/thresholds, untimely deliverable submissions, data reporting errors, and untimely payment of early intervention (EI) claims.

Each MCO's compliance findings and concerns are further detailed below. Data related to the Health Care Services Division's compliance activities are also included. The Department communicated the findings of its review of

June's compliance issues in letters issued to the MCOs on August 7, 2020.

Aetna Better Health of Virginia

Findings:

- No findings

Concerns:

- **Untimely Payment of EI Claims:** DMAS timely received the June 2020 Early Intervention Services Report deliverable from Aetna. Upon review, the Compliance Unit discovered that the report indicated that Aetna failed to adjudicate one (1) clean claim for EI services within 14 days of its receipt in June 2020.

Section 5.5 of the Medallion 4.0 contract requires the MCOs to adjudicate all clean claims for EI services within 14 days of their receipt. Thus, Aetna violated the terms of the Medallion 4.0 contract in failing to adjudicate one clean claim for EI services within 14 days of its receipt.

The Department requests that Aetna Better Health adheres to the reporting specifications, as outlined in the Medallion 4.0 Deliverables Technical Manual under section 1.2.6. At this point, no compliance points or financial sanctions will be issued in response to this issue. However, future failure to meet claim adjudication requirements may result in contract compliance enforcement actions, including the issuance of compliance points and financial sanctions.

The Compliance Team recommended that in response to the issue identified above, Aetna be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2975)**

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2957:** Aetna submitted comments July 16, 2020 on **CES # 2957** (Maternal Services Report): "With regards to the NONC, would DMAS please elaborate how the EOM 834 identifies maternal members? Additionally, is there a requirement that the Maternal Care report is based on reconciliation to the EOM 834 file?"

The Compliance Team reviewed Aetna’s comments on CES # 2957 (Maternal Services Report) and recommended overturn original enforcement of NONC letter. The CRC members provided additional guidance, agreed with the Compliance Team’s recommendations and voted rescind the original NONC letter.

The following communication was sent on August 7, 2020 to Aetna:

“The Health Care Services Compliance Review Committee (CRC) met yesterday, August 6, 2020. During the meeting, the CRC discussed previously issued Notices of Non-Compliance (NONCs), dated July 6, 2020, specifically the reporting discrepancies on the May 2020 Maternal Care Monthly Report. DMAS and the MCOs have since held additional discussions to provide necessary guidance to assist with ensuring MCO submissions of accurate reporting data.

Due to the apparent need for further clarification necessary, HCS Compliance Unit has discussed the previously addressed NONCs with members of the CRC and HCS leadership, and voted to overturn and rescind the NONC and corresponding Case ID listed below:

Case ID 2957: Notice of Non-Compliance - Data Submission Error

- Maternal Care Report - (File name: MATERNAL_SERVICE.xlsx)

Please be advised that HCS will continue to monitor and review ongoing reporting discrepancies, including discrepancies identified on future Maternal Care Monthly reports, and may proceed with issuance of points or financial sanctions for failing to meet the reporting requirements”.

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for June 2020, Aetna showed a very high level of compliance. Aetna timely submitted 23 required monthly reporting deliverables and those deliverables did not expose any programmatic issues. One monthly deliverable failed to meet contract adherence requirements for EI claims adjudication within 14 days (addressed above in **CES # 2975**). In summation, Aetna complied with most applicable regulatory and contractual requirements.

Anthem HealthKeepers Plus

Findings:

- No findings

Concerns:

- **Contract Adherence:** Anthem failed to timely process Pharmacy Prior Authorization requests. Per June data, there were 19 Pharmacy Prior Authorization Requests past 24 hours (out of 6,615).

Section 8.7.N of the Medallion 4.0 contract requires the MCOs to provide a response by telephone or other telecommunication within 24 hours of a service authorization request. If the Contractor denies a request for service authorization, the Contractor must issue a Notice of Action within twenty-four (24) hours of the denial to the prescriber and the member. Thus, Anthem violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Anthem be issued a **Notice of Deficiency (NOD)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NOD without associated compliance points or financial sanctions** in response to this issue. **(CES # 3036)**

The HCS Compliance Unit is reached out to the MCOs to remind the plans of the response time requirements for Pharmacy service authorizations.

The following communication was sent via email to Anthem on August 7, 2020

"The HCS Compliance Unit is reaching out to remind the plans of the response time requirements for Pharmacy service authorizations.

The Medallion 4.0 contract section 8.7.N states "The Contractor must provide a response by telephone or other telecommunication within 24 hours of a service authorization."

Anthem reported a total of 6,615 Service Authorizations for the month of June 2020. A total of nineteen (19) Service Authorization requests exceeded the required response time of less than 24 hours.

The Department is requesting that each MCO adheres to the Pharmacy service authorization requirements. At this point, no compliance points or financial

sanctions will be issued in response to identified non-compliance with the MCO response time on the Pharmacy Prior Authorization Report. However, the Department may proceed with issuance of points or financial sanctions for failing to meet Pharmacy service authorizations not processed within twenty-four (24) hours, effective on deliverables due by October 15, 2020”.

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2956:** Maternal Services Report
The CRC members met on August 6, 2020 and voted to overturn and rescind the previously issued NONC letter.

The following communication was sent on August 7, 2020 to Anthem:
“The Health Care Services Compliance Review Committee (CRC) met yesterday, August 6, 2020. During the meeting, the CRC discussed previously issued Notices of Non-Compliance (NONCs), dated July 6, 2020, specifically the reporting discrepancies on the May 2020 Maternal Care Monthly Report. DMAS and the MCOs have since held additional discussions to provide necessary guidance to assist with ensuring MCO submissions of accurate reporting data.

Due to the apparent need for further clarification necessary, HCS Compliance Unit has discussed the previously addressed NONCs with members of the CRC and HCS leadership, and voted to overturn and rescind the NONC and corresponding Case ID listed below:

- Case ID 2956: Notice of Non-Compliance - Data Submission Error
- Maternal Care Report - (File name: MATERNAL_SERVICE.xlsx)

Please be advised that HCS will continue to monitor and review ongoing reporting discrepancies, including discrepancies identified on future Maternal Care Monthly reports, and may proceed with issuance of points or financial sanctions for failing to meet the reporting requirements”.

Expiring Points:

- **Case # 2202:** June 2019 – Data Submission Error – Community Mental Health Rehabilitation Services (CMHRS) Authorizations and Registrations Report.
1 point was removed from Anthem’s total by closing **CES # 2202**.

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for June 2020, Anthem showed a very high level of compliance. Anthem timely submitted 23 required monthly reporting deliverables and those deliverables did not expose any programmatic issues. One monthly deliverable failed to meet contract adherence requirements to process Pharmacy Prior Authorization requests within 24 hours (addressed above in **CES # 3036**). In summation, Anthem complied with most applicable regulatory and contractual requirements

Magellan Complete Care

Findings:

- No findings

Concerns:

- **Contract Adherence:** Magellan failed to timely process Pharmacy Prior Authorization requests. Per June data, there were 323 Pharmacy Prior Authorization Requests past 24 hours (out of 1,002).

Section 8.7.N of the Medallion 4.0 contract requires the MCOs to provide a response by telephone or other telecommunication within 24 hours of a service authorization request. If the Contractor denies a request for service authorization, the Contractor must issue a Notice of Action within twenty-four (24) hours of the denial to the prescriber and the member. Thus, Magellan violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Magellan be issued a **Notice of Deficiency (NOD)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NOD without associated compliance points or financial sanctions** in response to this issue. **(CES # 3033)**

The HCS Compliance Unit is reached out to the MCOs to remind the plans of the response time requirements for Pharmacy service authorizations.

The following communication was sent via email to Magellan on August 7.

"The HCS Compliance Unit is reaching out to remind the plans of the response time requirements for Pharmacy service authorizations.

The Medallion 4.0 contract section 8.7.N states "The Contractor must provide a response by telephone or other telecommunication within 24 hours of a service authorization."

Magellan reported a total of 1,002 Service Authorizations for the month of June 2020. A total of 323 Service Authorization requests exceeded the required response time of less than 24 hours.

The Department is requesting that each MCO adheres to the Pharmacy service authorization requirements. At this point, no compliance points or financial sanctions will be issued in response to identified non-compliance with the MCO response time on the Pharmacy Prior Authorization Report. However, the Department may proceed with issuance of points or financial sanctions for failing to meet Pharmacy service authorizations not processed within twenty-four (24) hours, effective on deliverables due by October 15, 2020”.

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2958:** Maternal Services Report
The CRC members met on August 6, 2020 and voted to overturn and rescind the previously issued NONC letter.

The following communication was sent on August 7, 2020 to Magellan:
“The Health Care Services Compliance Review Committee (CRC) met yesterday, August 6, 2020. During the meeting, the CRC discussed previously issued Notices of Non-Compliance (NONCs), dated July 6, 2020, specifically the reporting discrepancies on the May 2020 Maternal Care Monthly Report. DMAS and the MCOs have since held additional discussions to provide necessary guidance to assist with ensuring MCO submissions of accurate reporting data.

Due to the apparent need for further clarification necessary, HCS Compliance Unit has discussed the previously addressed NONCs with members of the CRC and HCS leadership, and voted to overturn and rescind the NONC and corresponding Case ID listed below:

- Case ID 2958: Notice of Non-Compliance - Data Submission Error
- Maternal Care Report - (File name: MATERNAL_SERVICE.xlsx)

Please be advised that HCS will continue to monitor and review ongoing reporting discrepancies, including discrepancies identified on future Maternal Care Monthly reports, and may proceed with issuance of points or financial sanctions for failing to meet the reporting requirements”.

Expiring Points:

- **Case # 2208:** June 2019 – Data Submission Error – MCO Claims Report.
1 point was removed from Magellan’s total by closing **CES # 2208**.

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for June 2020, Magellan showed a very high level of compliance. Magellan timely submitted 23 required monthly reporting deliverables and those deliverables did not expose any programmatic issues. One monthly deliverable failed to meet contract adherence requirements to process Pharmacy Prior Authorization requests within 24 hours (addressed above in **CES # 3033**). In summation, Magellan complied with most applicable regulatory and contractual requirements

Optima Health

Findings:

- No findings

Concerns:

- **Untimely Payment of EI Claims:** DMAS timely received the June 2020 Early Intervention Services Report deliverable from Optima. Upon review, the Compliance Unit discovered that the report indicated that Optima failed to adjudicate one (1) clean claim for EI services within 14 days of its receipt in June 2020.

Section 5.5 of the Medallion 4.0 contract requires the MCOs to adjudicate all clean claims for EI services within 14 days of their receipt. Thus, Optima violated the terms of the Medallion 4.0 contract in failing to adjudicate one clean claim for EI services within 14 days of its receipt.

The Department requests that Optima adheres to the reporting specifications, as outlined in the Medallion 4.0 Deliverables Technical Manual under section 1.2.6. At this point, no compliance points or financial sanctions will be issued in response to this issue. However, future failure to meet claim adjudication requirements may result in contract compliance enforcement actions, including the issuance of compliance points and financial sanctions.

The Compliance Team recommended that in response to the issue identified above, Optima be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2976)**

- **Contract Adherence:** The Department timely received the June 2020 MCO Claims Report deliverable from Optima. Upon review, a DMAS subject matter expert determined that three (3) claims were not processed within 365 days as required.

Based on Optima's MCO Claims Report submissions, the measure "Paid claims greater than 365 days of receipt" does not comply with the requirements of the Code of Federal Regulations as present at 42 C.F.R. §447.45.

The Compliance Team recommended that in response to the issue identified above, Optima be scheduled for a Compliance Monitoring Review to be conducted by the HCS Compliance Unit via Desk Review. The CRC agreed with

the Compliance Team's recommendation, and voted to request that Optima Family Care provide a detailed list and supporting documentation relating to the claims identified as not paid within 365 days per the June 2020 MCO Claims Report no later than August 21, 2020. **(CES # 2978)**

- **Contract Adherence:** Optima failed to timely process Pharmacy Prior Authorization requests. Per June data, there were 104 Pharmacy Prior Authorization Requests past 24 hours (out of 2,472).

Section 8.7.N of the Medallion 4.0 contract requires the MCOs to provide a response by telephone or other telecommunication within 24 hours of a service authorization request. If the Contractor denies a request for service authorization, the Contractor must issue a Notice of Action within twenty-four (24) hours of the denial to the prescriber and the member. Thus, Optima violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Optima be issued a **Notice of Deficiency (NOD)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NOD without associated compliance points or financial sanctions** in response to this issue. **(CES # 3037)**

The HCS Compliance Unit is reached out to the MCOs to remind the plans of the response time requirements for Pharmacy service authorizations.

The following communication was sent via email to Optima on August 7.

"The HCS Compliance Unit is reaching out to remind the plans of the response time requirements for Pharmacy service authorizations.

The Medallion 4.0 contract section 8.7.N states "The Contractor must provide a response by telephone or other telecommunication within 24 hours of a service authorization."

Optima reported a total of 2,472 Service Authorizations for the month of June 2020. A total of 104 Service Authorization requests exceeded the required response time of less than 24 hours.

The Department is requesting that each MCO adheres to the Pharmacy service authorization requirements. At this point, no compliance points or financial sanctions will be issued in response to identified non-compliance with the MCO response time on the Pharmacy Prior Authorization Report. However, the Department may proceed with issuance of points or financial sanctions for

failing to meet Pharmacy service authorizations not processed within twenty-four (24) hours, effective on deliverables due by October 15, 2020”.

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2964:** Maternal Services Report
The CRC members met on August 6, 2020 and voted to overturn and rescind the previously issued NONC letter.

The following communication was sent on August 7, 2020 to Optima:
“The Health Care Services Compliance Review Committee (CRC) met yesterday, August 6, 2020. During the meeting, the CRC discussed previously issued Notices of Non-Compliance (NONCs), dated July 6, 2020, specifically the reporting discrepancies on the May 2020 Maternal Care Monthly Report. DMAS and the MCOs have since held additional discussions to provide necessary guidance to assist with ensuring MCO submissions of accurate reporting data.

Due to the apparent need for further clarification necessary, HCS Compliance Unit has discussed the previously addressed NONCs with members of the CRC and HCS leadership, and voted to overturn and rescind the NONC and corresponding Case ID listed below:

- Case ID 2964: Notice of Non-Compliance - Data Submission Error
- Maternal Care Report - (File name: MATERNAL_SERVICE.xlsx)

Please be advised that HCS will continue to monitor and review ongoing reporting discrepancies, including discrepancies identified on future Maternal Care Monthly reports, and may proceed with issuance of points or financial sanctions for failing to meet the reporting requirements”.

Expiring Points:

- **Case # 2201:** June 2019 – Late Data Submission – Call Center Statistics Report.
1 point was removed from Magellan’s total by closing **CES # 2201**
- **Case # 2221:** June 2019 – Late Data Submission – ARTS Patient Utilization Management and Safety Program (PUMS) Members Report.
1 point was removed from Magellan’s total by closing **CES # 2221**

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for June 2020, Optima showed a moderate level of compliance. Optima timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. Three monthly deliverables failed to meet contract adherence requirements for processing Pharmacy Prior Authorization requests, EI and MCO claims (addressed above in **CES # 2976, 2978 & 3037**). In summation, Optima complied with most applicable regulatory and contractual requirement.

UnitedHealthcare

Findings:

- No findings

Concerns:

- **Data Submission Error:** The Department timely received the June 2020 Appeals and Grievances' Summary and FAMMIS Appeals & Grievances Summary Report deliverable from United. Upon review, a DMAS subject matter expert discovered that the the submitted deliverables reported the appeals resolved in May 2020 rather than the reporting month of June 2020.

As described in Section 10.1.E.d.b of the Medallion 4.0 Contract, the MCOs are required to submit all reporting deliverables in the format and with the contents specified in the Medallion 4.0 Contract and the Medallion 4.0 Deliverables Technical Manual. Thus, United violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, United be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2973)**

- **Contract Adherence:** United failed to timely process Pharmacy Prior Authorization requests. Per June data, there were 92 Pharmacy Prior Authorization Requests past 24 hours (out of 1,413).

Section 8.7.N of the Medallion 4.0 contract requires the MCOs to provide a response by telephone or other telecommunication within 24 hours of a service authorization request. If the Contractor denies a request for service authorization, the Contractor must issue a Notice of Action within twenty-four (24) hours of the denial to the prescriber and the member. Thus, United violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, United be issued a **Notice of Deficiency (NOD)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NOD**

without associated compliance points or financial sanctions in response to this issue. **(CES # 3034)**

The HCS Compliance Unit is reached out to the MCOs to remind the plans of the response time requirements for Pharmacy service authorizations.

The following communication was sent via email to United on August 7.

“The HCS Compliance Unit is reaching out to remind the plans of the response time requirements for Pharmacy service authorizations.

The Medallion 4.0 contract section 8.7.N states "The Contractor must provide a response by telephone or other telecommunication within 24 hours of a service authorization."

United reported a total of 1,413 Service Authorizations for the month of June 2020. A total of 92 Service Authorization requests exceeded the required response time of less than 24 hours.

The Department is requesting that each MCO adheres to the Pharmacy service authorization requirements. At this point, no compliance points or financial sanctions will be issued in response to identified non-compliance with the MCO response time on the Pharmacy Prior Authorization Report. However, the Department may proceed with issuance of points or financial sanctions for failing to meet Pharmacy service authorizations not processed within twenty-four (24) hours, effective on deliverables due by October 15, 2020”.

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2962:** United submitted request to reconsider the issued NONC on Appeals & Grievances turn-around-times not met and on July 24, 2020 provided the following comments:
“We are in receipt of your letter regarding Case ID 2962 dated July 6, 2020. We wish to provide additional information regarding the finding of one (1) member appeal exceeding the allowable time for appeal process in the May Appeals & Grievances Summary report. The compliance letter refers to an expedited member appeal that was reported as processed outside of the contractually required seventy-two (72) hour timeframe. Through a review of our internal process we identified that we had incorrectly reported the turnaround time for expedited appeals. The decision at issue was due at 1:00pm on May 7, 2020, and the oral notification time was provided at 12:40pm on May 7, 2020. We have corrected our reporting and validation

process for future report submissions and will provide an updated report for May 2020 on request. In our review, we also identified that the Managed Care Technical Manual does not allow for timestamps to be included in the “MCO Appeals Resolved” tab, which can result in an expedited appeal appearing to be resolved in greater than seventy-two (72) hours. We respectfully request that timestamps be added to the next Technical Manual update, allowing us to align our reporting with contractual requirement. Report 1.8.45 Pharmacy Prior Authorizations is an example of a report that includes timestamps in the technical specifications”.

The SME and Compliance Team reviewed United’s comments on CES # 2962 and a follow up response was sent to United on July 29, 2020:

“Regarding the reporting of an expedited member appeal, we wanted to follow up to make sure we're looking at the same member appeal: UHC's Response to Case ID 2962 is focusing on an expedited member appeal, for which the resolution turn-around-time is within 72hrs, and it appears that the resolution requirement was met. However, in the Notice of Non-Compliance letter for Case ID 2962, we advise of one member appeal not resolved timely within the required 30 day processing time. This particular appeal had a resolution time of 87 days since the appeal filing date. Coincidentally, this appeal's resolution date also falls on the same date as the resolution date indicated in UHC's response”.

The CRC members reviewed the comments and voted to put on hold as the requests timestamps be added to the next Medallion 4.0 Technical Manual update, allowing to align our reporting with contractual requirement.

- **CES # 2959:** Maternal Services Report.

The CRC members met on August 6, 2020 and voted to overturn and rescind the previously issued NONC letter.

The following communication was sent on August 7, 2020 to United:

“The Health Care Services Compliance Review Committee (CRC) met yesterday, August 6, 2020. During the meeting, the CRC discussed previously issued Notices of Non-Compliance (NONCs), dated July 6, 2020, specifically the reporting discrepancies on the May 2020 Maternal Care Monthly Report. DMAS and the MCOs have since held additional discussions to provide necessary guidance to assist with ensuring MCO submissions of accurate reporting data.

Due to the apparent need for further clarification necessary, HCS Compliance Unit has discussed the previously addressed NONCs with members of the CRC and HCS leadership, and voted to overturn and rescind the NONC and corresponding Case ID listed below:

Case ID 2959: Notice of Non-Compliance - Data Submission Error

- Maternal Care Report - (File name: MATERNAL_SERVICE.xlsx)

Please be advised that HCS will continue to monitor and review ongoing reporting discrepancies, including discrepancies identified on future Maternal Care Monthly reports, and may proceed with issuance of points or financial sanctions for failing to meet the reporting requirements”.

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for June 2020, United showed a moderate level of compliance. United timely submitted all 23 required monthly reporting deliverables, and those deliverables did not expose any programmatic issues. One reporting deliverable contained data submission errors (addressed above in **CES # 2973**). One monthly deliverable failed to meet contract adherence requirements to process Pharmacy Prior Authorization requests within 24 hours (addressed above in **CES # 3034**). In summation, United complied with most applicable regulatory and contractual requirements.

Virginia Premier

Findings:

- No findings

Concerns:

- **Untimely Deliverable Submission:** Virginia Premier failed to timely submit the Enrollment Broker Weekly Report deliverable (was due June 22, 2020) as required by Section 1.4.3 of the Medallion 4.0 Deliverables Technical Manual. The report is due every Monday.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 3014)**

- **Untimely Deliverable Submission:** Virginia Premier failed to timely submit the Medallion 4.0 denied pharmacy encounter transactions (NCPDP) since inception of Medallion 4.0 contract as required by Section 3.2.3 of the Medallion 4.0 Encounters Technical Manual.

Section 10.1.E.d.b of the Medallion 4.0 contract requires the MCOs to submit reporting deliverables timely, with accurate data, and in the format and layout specified by DMAS. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 3053)**

- **Untimely Payment of EI Claims:** DMAS timely received the June 2020 Early Intervention Services Report deliverable from Virginia Premier. Upon review, the Compliance Unit discovered that the report indicated that Virginia Premier failed to adjudicate 36 (thirty-six) clean claim for EI services within 14 days of its receipt in June 2020.

Section 5.5 of the Medallion 4.0 contract requires the MCOs to adjudicate all clean claims for EI services within 14 days of their receipt. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in failing to adjudicate one clean claim for EI services within 14 days of its receipt.

The Department requests that Virginia Premier adheres to the reporting specifications, as outlined in the Medallion 4.0 Deliverables Technical Manual under section 1.2.6. At this point, no compliance points or financial sanctions will be issued in response to this issue. However, future failure to meet claim adjudication requirements may result in contract compliance enforcement actions, including the issuance of compliance points and financial sanctions.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 2974)**

- **Appeals and Grievances' Report:** The Department timely received the June 2020 Appeals and Grievances' Report deliverable from Virginia Premier. Upon review, a DMAS subject matter expert discovered that the report indicated that Virginia Premier failed to adjudicate one (1) appeal within 30 days of their filing as required by law and the Medallion 4.0 contract.

Section 12.3 of the Medallion 4.0 contract requires the MCOs to process, resolve, and provide notice to each appeal as expeditiously as the Member's health condition requires and shall not exceed 30 calendar days from the initial date of receipt of the appeal. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue **(CES # 3015)**

- **Contract Adherence:** The Department timely received the June 2020 Appeals and Grievances' Report deliverable from Virginia Premier. Upon review, a DMAS subject matter expert discovered that the report indicated that Virginia Premier failed to respond to a request for additional information from the Appeals division within the requested 24-hour period.

Section 12.2 of the Medallion 4.0 contract requires the MCOs to respond promptly, unless DMAS requests a response within 24 hours, to any requests made by DMAS pertaining to appeals. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Non-Compliance (NONC)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NONC without associated compliance points or financial sanctions** in response to this issue. **(CES # 3013)**

- **Contract Adherence:** Virginia Premier failed to timely process Pharmacy Prior Authorization requests. Per June data, there were 55 Pharmacy Prior Authorization Requests past 24 hours (out of 1,206).

Section 8.7.N of the Medallion 4.0 contract requires the MCOs to provide a response by telephone or other telecommunication within 24 hours of a service authorization request. If the Contractor denies a request for service authorization, the Contractor must issue a Notice of Action within twenty-four (24) hours of the denial to the prescriber and the member. Thus, Virginia Premier violated the terms of the Medallion 4.0 contract in the deliverable submission addressed above.

The Compliance Team recommended that in response to the issue identified above, Virginia Premier be issued a **Notice of Deficiency (NOD)** without any associated compliance points, financial sanctions, or corrective actions. The CRC agreed with the Compliance Team's recommendation, and voted to issue a **NOD without associated compliance points or financial sanctions** in response to this issue. **(CES # 3035)**

The HCS Compliance Unit is reached out to the MCOs to remind the plans of the response time requirements for Pharmacy service authorizations.

The following communication was sent via email to Virginia Premier on August 7.

“The HCS Compliance Unit is reaching out to remind the plans of the response time requirements for Pharmacy service authorizations.

The Medallion 4.0 contract section 8.7.N states "The Contractor must provide a response by telephone or other telecommunication within 24 hours of a service authorization."

Virginia Premier reported 1,206 Service Authorizations for the month of June 2020. A total of 55 Service Authorization requests exceeded the required response time of less than 24 hours.

The Department is requesting that each MCO adheres to the Pharmacy service authorization requirements. At this point, no compliance points or financial sanctions will be issued in response to identified non-compliance with the MCO response time on the Pharmacy Prior Authorization Report. However, the Department may proceed with issuance of points or financial sanctions for failing to meet Pharmacy service authorizations not processed within twenty-four (24) hours, effective on deliverables due by October 15, 2020”.

MIP/CAP Update:

- No updates

Appeal Decision:

- **CES # 2960:** Maternal Services Report

The CRC members met on August 6, 2020 and voted to overturn and rescind the previously issued NONC letter.

The following communication was sent on August 7, 2020 to Virginia Premier: “The Health Care Services Compliance Review Committee (CRC) met yesterday, August 6, 2020. During the meeting, the CRC discussed previously issued Notices of Non-Compliance (NONCs), dated July 6, 2020, specifically the reporting discrepancies on the May 2020 Maternal Care Monthly Report. DMAS and the MCOs have since held additional discussions to provide necessary guidance to assist with ensuring MCO submissions of accurate reporting data.

Due to the apparent need for further clarification necessary, HCS Compliance Unit has discussed the previously addressed NONCs with members of the CRC and HCS leadership, and voted to overturn and rescind the NONC and corresponding Case ID listed below:

Case ID 2960: Notice of Non-Compliance - Data Submission Error

- Maternal Care Report - (File name: MATERNAL_SERVICE.xlsx)

Please be advised that HCS will continue to monitor and review ongoing reporting discrepancies, including discrepancies identified on future Maternal Care Monthly reports, and may proceed with issuance of points or financial sanctions for failing to meet the reporting requirements”.

Expiring Points:

- No expiring points

Financial Sanctions Update:

- No outstanding sanctions at this time

Summary:

- For deliverables measuring performance for June 2020, Virginia Premier showed a mild level of compliance. Virginia Premier timely submitted 21 out of 23 required monthly reporting deliverables and those deliverables did not expose any programmatic issues. Three monthly deliverables failed to meet contract adherence requirements: the timely resolution of internal appeals within 30 days, for EI claims adjudication within 14 days, and to process Pharmacy Prior Authorization requests within 24 hours (addressed above in **CES # 2974, 3015 & 3035**). In summation, Virginia Premier complied with most applicable regulatory and contractual requirement.

Next Steps

At this time, the Compliance Unit is continuing monthly Compliance Review Committee meetings, following up on reoccurring issues, and communicating with the MCOs regarding identified issues. The Compliance Unit is in the process of expanding the types of compliance issues it investigates, and involving itself with programmatic issues as well as technical deliverable issues.

The Compliance Unit recently expanded its enforcement efforts into the area of encounter data certifications and Pharmacy Prior Authorization turnaround times.